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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

4925-53

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on August 16, 2005

Signature [Signature]

Typed or printed name Edward M. Weisz

Application Number

09/608,394

Filed

June 30, 2000

First Named Inventor

Hannu Nieminen

Art Unit

2157

Examiner

Jacobs, LaShonda T.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 37,257
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

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August 16, 2005

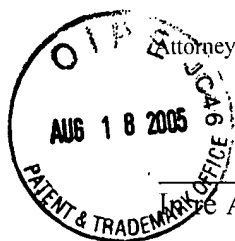
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NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

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Attorney Docket # 4925-53

MS-AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Hannu NIEMINEN et al.

Serial No.: 09/608,394

Filed: June 30, 2000

For: Network and Method for Controlling Appliances

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner: Jacobs, Lashonda T.
Group Art: 2157

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August 16, 2005

(Date of Deposit)

Edward M. Weisz

Name of applicant, assignee or Registered Representative

Signature

August 16, 2005

Date of Signature

PRE-APPEAL REQUEST FOR PANEL REVIEW

This Pre-Appeal Request for Panel Review is submitted in accordance with the Pre-Appeal Brief Conference Pilot Program. The claims pending in the subject application are claims 1-7, 9-25, 27-36 and 39-43. Of these claims, claims 1, 19, 35, 41 and 43 are independent.

In its most basic form, the present invention provides systems and methods for obtaining an appliance control module ("ACM") -- a software control program -- needed to control a corresponding appliance in a local environment, and installing the ACM on a local controller. Rather than install the complete ACM in the appliance memory, which will require a significant amount of memory for this purpose, or storing the ACM on a CD sold with the appliance, the ACM is obtained from a remote location, namely, the Internet. In particular, only the address (i.e. a URL) of the remote location needs to be stored in the appliance memory. By obtaining the address from the appliance, the ACM can then be accessed and downloaded to the local server and then used for appliance control.

Claim 1 recites a method for networking and controlling appliances within a local environment. The method recites the step of "receiving ... an address of a remote location maintaining ACMs for each controllable appliance", "obtaining the ACM by using the address to contact the remote location", and "installing on the local server, the ACM". Claim 19 is directed to a network having means for performing the above-mentioned steps of claim 1. Claim 30 recites a network for controlling a controllable appliance having a memory-stored address which provides a location of a corresponding ACM. A local controller communicates with the appliance to receive the stored address from the appliance. The stored address is then used to locate the ACM from the remote location, and the ACM is then stored on a local server for use in controlling the appliance. Claim 41 is directed to a mobile terminal having means for requesting a stored address of a remote location from an appliance, using the stored address for locating an ACM, and means for allowing the input of user instructions for controlling the appliance by sending signals to a local server having the ACM installed. Claim 43 is directed to an appliance having means for storing an address of a remote location where the ACM can be obtained, and means for communicating the stored address in response to a request. The request is used to obtain the ACM which is installed on a local server for controlling the appliance.

Applicants disagree with the Examiner's reasons set forth in Section 11 of the July 25, 2005 Advisory Action, namely, that the claims are obvious from Borgstahl and Hollstrom.

Borgstahl (6,466,781) teaches a method for controlling an appliance by a controller. Although Borgstahl discloses a series of tasks performed to allow a user to control an appliance from a remote controller, (e.g., col. 16, lines 59-67; col. 17, lines 1-16, and col. 10, lines 41-61), it does not disclose: (1) a remote location where the appliance control modules (ACM) are maintained; or (2) means to receive an address from each appliance in order to obtain the remotely-

located appliance control module. Borgstahl states, *inter alia*, that the service-receiving peer 20 (namely an appliance) uploads an appliance control computer program (ACM) to the connected service-providing peer (namely the controller 300, PDA or mobile control terminal) using the service connection. The service-providing peer (PDA) then executes the uploaded ACM, which was *received* from the appliance, in order to allow control of the appliance from the controller. (Borgstahl, col. 10, lines 41-61). Hence, in Borgstahl the ACMs are stored at the service-receiving peers (i.e. are stored IN the appliance). The ACM's are NOT maintained at a remote location which is accessed by an address obtained FROM the appliance and then installed in a server to provide for appliance control. The practical result, therefore, is that in Borgstahl each appliance's ACM must be pre-stored in memory contained in the appliance, and each appliance will upload its ACM to the controller when the appliance is added to the network. Further, col. 16, lines 59-67 and col. 17, lines 1-16 appear to be concerned with updating the addresses of appliances in a network controlled by a controller. The term "address" in this context refers to a Media Access Control (MAC), i.e. the electronic address of the appliance within the local area network. This is entirely different than the remote address (e.g., a manufacturer's website) used to locate the ACM in the present invention.

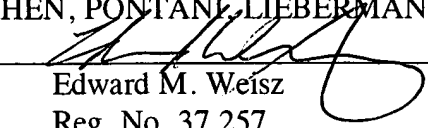
The Borgstahl system presents a significant drawback. Specifically, it hinders the ability of manufacturers to upgrade the software-controllable features of their appliances by, for example, simply posting updates on their websites. For example, using the teaching of Borgstahl, once an appliance is placed in the stream of commerce, e.g., distributed at the wholesale level to an appliance store, etc., the ACMs stored in memory in the appliances can not be easily modified/upgraded, etc.

The present invention avoids this drawback, as explained on page 12, lines 3-8 of the subject application. Specifically, the appliances are controlled by obtaining a remote location

address from the appliance, e.g., an Internet web address such as a URL transmitted from the appliances. With this address, the remote location is accessed whereupon the ACM at the remote location can be downloaded and installed on the local server. There is no need to preinstall ACMs in the appliances because the ACMs can be downloaded from a remote location. In accordance with the invention, therefore, upgrades to an ACM can be implemented even after the appliance is placed in the stream of commerce by simply revising the ACM at the remote location and then directing the mobile terminal to obtain and install the upgraded ACM.

Hollstrom (6,763,247) discloses an apparatus (200) that uses the information access program (240) to control external electronic devices within a local environment. The apparatus in Hollstrom controls and operates the external devices through a "built-in" WAP browser by way of contacting, through a short-range connection (e.g., Bluetooth, etc.), built-in WAP servers of the external devices via the external device interfaces (260, 262, 264). Accordingly, the apparatus disclosed in Hollstrom uses a "built-in" WAP browser with "pre-installed" interfaces to control the functionalities of various external devices (Fig. 2, col. 2, lines 22-38 and 60-67; col. 3, lines 1-6). These pre-installed interfaces are transmitted "as an initial sequence of identifying commands to the WAP client ... when the mobile telephone and the external utility device are interconnected". Col. 5 lines 39-43. Thus, a set of control instructions, i.e., an ACM, is transmitted FROM the appliance to the phone. Hollstrom does not teach or suggest a method for receiving, in response to a request transmitted within a local environment, an address (URL) of a remote location from an appliance which maintains the ACM, obtaining the ACM by using the address sent from the appliance and contacting the remote location, installing the ACM, providing communication between the local server and the appliance, and accessing the local server with a controller in the local environment to control the appliance.

Hollstrom describes three "use cases" to explain the operation of his system in the context of a digital camera and a mobile telephone (Col. 5 line 58 through Col. 6 line 65). None of these "use cases" teach the retrieval and installation of a remotely-located ACM by using an address obtained from an appliance to control the appliance. In the first use case the camera is connected to the phone, and a Wireless Markup Language start page is transmitted from the WAP server to the phone's display. From the start page, the user can select different controls to perform different functions (Col. 6, lines 5-14). Thus, the control module for the camera is contained within the camera and the functions are accessed from the displayed start page on the phone. In the second use case, the displayed start page allows the user to enter a maintenance menu provided by the digital camera to modify camera settings. In the third use case, a camera malfunction has occurred and the camera generates an error code. Upon connection of the camera to the phone, an HTTP address is provided by the camera to the phone. The HTTP address allows the phone to access, via the internet, a help-desk website and to transmit the error code to that website in order to correct the error. None of these use cases discuss or suggest obtaining, from a remote location, an ACM which is needed for remote control of an appliance, by using an address stored in the appliance. In both, Borgstahl and Hollstrom, the instructions needed to operate the appliance from a controller are stored IN THE DEVICE. For example, in the second use case in Hollstrom described above, the maintenance menu is provided from the camera to the phone. See Hollstrom, Col. 6, lines 32-33. Therefore, the combination of these references cannot possibly teach the invention as set forth in the pending claims.

Respectfully submitted,
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